

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**PENNEAST PIPELINE COMPANY, :
LLC**

Plaintiff

:

CIVIL ACTION NO. 3:18-281

v.

:

(JUDGE MANNION)

**A PERMANENT EASEMENT OF :
0.60 ACRE ± AND A TEMPORARY :
EASEMENT OF 0.60 ACRE ± IN :
TOWAMENSING TOWNSHIP, :
CARBON COUNTY, :
PENNSYLVANIA, TAX PARCEL :
NOS. 16-56-A73.05 AND :
16B-56-A7; SUSANA V. :
BULLRICH; BANK OF AMERICA, :
N.A.; AND ALL UNKNOWN :
OWNERS :**

Defendants

:

ORDER

In accordance with the memorandum issued today, (Doc. 39) addressing plaintiff's motion for partial summary judgment, **IT IS HEREBY ORDERED THAT** PennEast Pipeline Company, LLC, has the substantive right to condemn the following easements and rights of way on the subject Property (identified in the Verified Complaint by Carbon County Tax Parcel Nos. 16-56-A73.05 and 16B-56-A7):

1. A permanent right of way and easement of 0.60 ± as depicted on Exhibits A-1 and A-2 hereto for the purpose of constructing,

operating, maintaining, altering, repairing, replacing and removing a 36-inch diameter pipeline and all related equipment and appurtenances thereto (including but not limited to cathodic protection equipment) for the transportation of natural gas, as approved by the Order of the Federal Energy Regulatory Commission, dated January 19, 2018, Docket No. CP-15-558-000 ("FERC Order"); and conducting all other activities as approved by the FERC Order; together with all rights and benefits necessary for the full enjoyment and use of the right of way and easement, including rights of ingress and egress for the above-stated purposes. Further, Defendants shall not excavate, change the grade of or place any water impoundments or structures on the right of way and easement without the written consent of Plaintiff, nor may Defendants plant any trees, including trees considered as a growing crop, on the permanent right of way and easement; or use said permanent right of way or any part thereof in such a way as to interfere with Plaintiff's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Plaintiff's lawful exercise of any of the rights herein granted without first having obtained Plaintiff's approval in writing; and Defendants will not permit others to do any of said acts without first having obtained Plaintiff's approval in writing. Plaintiff shall have the right from time to time at no additional cost to Defendants to cut and remove all trees including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto;

2. A temporary workspace easement totaling 0.60 acre \pm as described on Exhibits A-1 and A-2 hereto for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all activities required by the FERC ORDER.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATE: December 3, 2018

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